

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SUSAN K. LINDSLEY, et al.)	CASE NO. 5:20-cv-00663
)	CASE NO. 5:20-cv-00665
Plaintiffs,)	
)	JUDGE SARA LIOI
-VS-)	
)	<u>DEFENDANTS' JOINT BRIEF IN</u>
SPRINGFIELD TOWNSHIP, et al.)	<u>OPPOSITION TO PLAINTIFF'S MOTION</u>
)	<u>FOR EXTENSION OF DISCOVERY AND</u>
Defendants.)	<u>DISPOSITIVE MOTION DEADLINES.</u>
)	

Now come Defendants, Richard Justice, Village of Lakemore, Kenneth Ray, and Springfield Township, hereinafter Defendants, and respectfully oppose Plaintiff's motion for an extension of discovery and dispositive motion deadlines.

Plaintiffs Richard T. Cook, Middlebury Banc Inc., TMK King Inc., and Whole-Sale Bedding Inc. originally filed their claims against Defendant in Summit County Court of Common Pleas on March 19, 2018. After a year of discovery, Plaintiffs filed a notice of voluntary dismissal on March 4, 2019.

Subsequently, on March 3, 2020, Plaintiffs re-filed their claims in Summit County Court of Common Pleas. Defendants removed the case to this Court on March 30, 2020. The Parties have exchanged extensive paper discovery and conducted numerous and depositions. Specifically, the parties have secured the deposition testimony of Plaintiff Richard Cook, Plaintiff Susan Lindsley, Defendant Jamie Mizer, Defendant Kenneth Ray, Defendant Richard Justice, and a representative from the Village of Lakmore.

Previously, and on January 19, this Court held a status conference in this claim at which the parties collectively agreed to extend the discovery deadlines.

Plaintiffs have not certified any discovery dispute. Rather, they waited until the date of the discovery deadline to request more time without any consultation with these defendants. Defendants now oppose Plaintiff's request for a further extension.

Defendants respectfully request that the Court deny Plaintiff's motion for extension of discovery and dispositive motion deadlines so that the current schedule remains.

Respectfully submitted,

/s/Anne M. Markowski

Kenneth A. Calderone, Esq. (0046860)

Anne M. Markowski, Esq. (0069705)

HANNA CAMPBELL & POWELL LLP

3737 Embassy Parkway/Suite 100

Akron OH 44333

P: 330.670.7324/F: 330.670.7440

P: 330.670.7601/F: 330.670.7456

kcalderone@hcplaw.net

amarkowski@hcplaw.net

Attorneys for Defendants,
Village of Lakemore and Richard Justice

Per email consent 4/6/21

Mel L. Lute, Jr. (0046752)

BAKER DUBLIKAR BECK

WILEY & MATHEWS

400 South Main Street

North Canton OH 44720

lute@bakerfirm.com

Attorney for Defendant, Chief of Police
Kenneth Ray

Per email consent 4/6/21

Jeffrey T. Kay, Esq.

100 Franklin's Row

34305 Solon Road

Cleveland OH 44139

jkay@mrrlaw.com

Attorney for Defendants, Springfield Township
and John Does 1-10

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing, *Defendants, Richard Justice and Village of Lakemore's Brief in Opposition to Plaintiff's Motion for Extension of Discovery and Dispositive Motion Deadlines* has been served by electronic mail, this 6th day of April, 2021, upon:

Paul J. Cristallo, Esq.
paul@crystallolaw.com

Attorneys for Plaintiffs,
Susan K. Lindsey, R.M. a minor child and
G.M., a minor child

Warner Mendenhall,
Brian Unger
warner@warnermendenhall.com
brian@warnermendenhall.com

Attorneys for Plaintiffs, Richard T. Cook,
T-M-K King, Inc., Whole-Sale Bedding,
Inc., and Middlebury Bank, Inc.

Thomas N. Spyker, Esq.
tspyker@reminger.com

Attorney for Defendant,
Jamie L. Mizer

/s/Anne M. Markowski